

Approved December 11, 2002



**MINUTES
SCOTTSDALE PLANNING COMMISSION
KIVA – CITY HALL
3939 N. DRINKWATER BOULEVARD
NOVEMBER 13, 2002**

PRESENT: David Gulino, Chairman
Charles Lotzar, Vice Chairman
James Heitel, Commissioner
Tony Nelssen, Commissioner
Kevin Osterman, Commissioner
Steve Steinberg, Commissioner

ABSENT: Kay Henry, Commissioner

STAFF: Donna Bronski
Pete Deeley
Suzanne Gunderman
Kurt Jones
Bill Verschuren
Al Ward
Kira Wauwie

CALL TO ORDER

The regular meeting of the Scottsdale Planning Commission was called to order by Chairman Gulino at 5:15 p.m.

APPROVED

ROLL CALL

A formal roll call confirmed members present as stated above.

MINUTES APPROVAL

1. October 2, 2002
2. October 16, 2002

COMMISSIONER OSTERMAN requested a correction to the October 2, 2002 minutes. On page 14, his comments, third line, strike the word as. He also requested a correction to the October 16, 2002 minutes. On page 10, his comments, the fifth line, the word integrative, should be changed to integrated.

COMMISSIONER HEITEL requested corrections to the October 16, 2002 minutes. On page 7, his statement, the first sentence is correct and the first sentence in Ms. Balzano's statement is correct. The second sentence should read transition not transit system. He stated he would like the following added to that paragraph: "**COMMISSIONER HEITEL** stated his question to the State was regarding multi references in the narrative as to the intent in planning unit one which is adjacent east of the Stack 40 project. He noted it was the expressed intent in the application and all of the visual aides including on the front page of the stipulations describing planning unit one location. The planning unit one was to establish a PRC zone which enables heights of 60 feet abutting Stack 40 and to provide a consistent extension of the pedestrian oriented design into the State Land parcels and therefore a transition of heights to lower limits in adjacent State planning units. **MS. BALZANO** responded they, the State, would not agree to his recommendation to add a stipulation directing DR emphasis on planning unit one transitioning from the Stack 40 pedestrian oriented design. The State completely disregarded any obligation to establish the PRC planning unit one in its depicted location and indicated it would locate its planning unit one wherever it chose. The State indicated that prior to the hearing they were aware that the presented materials did not represent its intention and this issue did not arise until Commissioner Heitel asked for that added stipulation".

VICE CHAIRMAN LOTZAR MADE A MOTION TO APPROVE THE OCTOBER 2, 2002 AND OCTOBER 16, 2002 MINUTES AS AMENDED. SECOND BY COMMISSIONER OSTERMAN.

THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0).

OPENING STATEMENT

COMMISSIONER OSTERMAN read the opening statement which describes the role of the Planning Commission and the procedures used in conducting this meeting.

CONTINUANCES

3. 65-ZN-1992#4 (Scottsdale Riverwalk Square) request by DFD Conoyer Hedrick, applicant, Pals Lands Inc, owner, for site plan approval on a 9+/- acre parcel located 4611 N Scottsdale Road with Downtown Regional Commercial Office, Type 2, Planned Block Development (D/RCO-2 PBD) zoning. Staff contact person is Kurt Jones, 480-312-2524. **CONTINUED TO NOVEMBER 20, 2002.**
4. 16-UP-1997#2 (Danny's Car Wash - Shea) request by Deutsch Associates, applicant, Pinnacle & Pima LLC, owner, to amend an existing use permit for a car wash on a 2.5+/- acre parcel located at 7373 E Shea Boulevard with Central Business District (C-2) zoning. Staff contact person is Bill Verschuren, 480-312-7734. **CONTINUED TO JANUARY 14, 2003.**
5. 17-UP-1997#2 (Danny's Car Wash - Shea) request by Deutsch Associates, applicant, Pinnacle & Pima LLC, owner, to amend an existing use permit for a service station on a 2.5+/- acre parcel located at 7373 E Shea Boulevard with Central Business District (C-2) zoning. Staff contact person is Bill Verschuren, 480-312-7734. **CONTINUED TO JANUARY 14, 2003.**

VICE CHAIRMAN LOTZAR MOVED TO CONTINUE CASES 65-ZN-1992#4 TO THE NOVEMBER 20, 2002 PLANNING COMMISSION MEETING. CASES 16-UP-1997#2 AND 17-UP-1997#2 TO THE JANUARY 14, 2003 PLANNING COMMISSION MEETING. SECOND BY COMMISSIONER HEITEL.

THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0).

EXPEDITED AGENDA

COMMISSIONER OSTERMAN MOVED TO MOVE CASE 18-ZN-2002 THE REGULAR AGENDA TO THE EXPEDITED AGENDA. SECOND BY VICE CHAIRMAN LOTZAR.

THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0).

6. 21-UP-2002 (Fox Sport Grill) request by HJ Lewkowitz, applicant, Pederson Group Inc, owner, for a conditional use permit for live entertainment in a 19,600+/- square foot building located at 16203 N Scottsdale Road (Promenade Building One) with Planned Regional Center (PRC) zoning.

MR. VERSCHUREN presented this case as per the project coordination packet. Staff recommends approval subject to the attached stipulations.

CHAIRMAN GULINO stated he heard on the radio that there was a live band there on opening night. He inquired if that was a special event. Mr. Verschuren replied the Applicant pulled a special event permit for that event and went through the proper channels to obtain a permit.

7. 24-UP-2002 (Elite Fitness) request by Elite Fitness, applicant, Richard Rodger, owner, for a conditional use permit for a health studio on a .83 +/- acre parcel located at 7120 E Indian School Road with Central Business District (C-2) zoning.

MS. GUNDERMAN presented this case as per the project coordination packet. Staff recommends approval subject to the attached stipulations.

COMMISSIONER STEINBERG inquired if the second floor would be used for large groups such as yoga and if so is there sufficient parking. Ms. Gunderman replied the use permit is for the first and second floor. The second floor would be used for office space and some activity like yoga. She stated there is sufficient parking for this facility.

8. 18-ZN-2002 (McDowell Mountain Business Center) request by Archicon LC, applicant, General's Partners #11, owner, to rezone from Single Family Residential, Planned Commercial District (R1-35 PCD) to Industrial Park, Planned Commercial District (I-1 PCD) on a 14+/- acre parcel located at the southeast corner of 90th Street & Bahia Drive.

MR. WARD presented this case as per the project coordination packet. Staff recommends approval, subject to the attached stipulations.

COMMISSIONER OSTERMAN MOVED TO FORWARD CASES 21-UP-2002 AND 24-UP-2002 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL INDICATING IT DOES CONFORM TO THE USE PERMIT CRITERIA. HE ALSO MOVED TO FORWARD CASE 18-ZN-2002 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL. SECOND BY COMMISSION HEITEL.

THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0).

REGULAR AGENDA

9. 20-UP-2002 (McDowell Mountain Business Center) request by Archicon LC, applicant, General's Partners #11, owner, for a conditional use permit for automotive and boat assembly and reassembly, excluding general repairs and maintenance on a 1+/- acre parcel located at the southwest corner of 91st Street and Bahia Drive.

MR. WARD presented this case as per the project coordination packet. Staff recommends approval, subject to the attached stipulations.

COMMISSIONER NELSEN stated the report does not reference the type of work that would be done on boats. He inquired if there would be any mechanical work done on this site. Mr. Ward replied that there would not be any mechanical work done on this site it will be installation of automobile accessories only. He stated there would not be any work done on boats. The reason boats was included was because it fell under the same category as automobile accessory installation.

COMMISSIONER NELSEN stated the report indicates that all work would be done indoors. He further stated if the two bay doors are open, there could be an issue with noise if they are installing a loud stereo system. He inquired how staff has addressed that issue. Mr. Ward stated installing a loud stereo system with the bay doors open is a possibility, however, that would be a violation of the use permit and if there was a complaint it would be handled by Code Enforcement. He remarked these are reputable mechanics and he believed they would be quite concerned about not blasting a stereo that may be heard several hundred feet away at adjacent properties.

COMMISSIONER OSTERMAN MOVED TO FORWARD CASE 20-UP-2002 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL INDICATING IT DOES MEET THE USE PERMIT CRITERIA. SECOND BY COMMISSIONER HEITEL.

THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0).

10. 20-UP-1994#2 (McDowell Mountain Ranch Park & Aquatic Center) request by City of Scottsdale, applicant/owner, to approve a revised Municipal Use Master Site Plan for 40+/- acres located at the southeast corner of Thompson Peak Parkway and McDowell Mountain Ranch Road.

MS. WAUWIE presented this case as per the project coordination packet. Staff recommends approval of Option B, subject to the attached stipulations.

BILL EXHAM, General Manager, Community Services, gave a broad overview from a parks and recreational planning perspective for this facility. Mr. Exham provided information on the background and history of this request. He reported the Parks and Recreation Commission recommended to the City Council approval of Option B.

PHIL WEDDLE, Weddle Gilmore Architects, stated the original master plan for the site was the starting point for the City and the design team as they started the public input process. He discussed some the issues they saw with the original master plan and how through the community input process the design has evolved. He discussed the intersection improvements. He provided an overview on the design services. He also provided an overview of Option A and Option B. He concluded as they move forward with this design

there is a strong emphasis on retaining the desert character of that area and building off of that character.

VICE CHAIRMAN LOTZAR inquired with the modifications that have been made to the plan to reduce some of the amenities, which are fully funded by the bond, what will happen to the additional money from the bond will it go to other parks throughout the city. Mr. Exham replied if that money is not needed to complete some of the unplanned traffic improvements that have been identified with the new plan, it would stay in the pot of bond money and can be used on any of the other park projects that were approved by the voters.

COMMISSIONER NELSEN stated there have been concerns expressed regarding access to the school site from the park site from undesirable elements. He inquired what precautions are built into this site plan to buffer those concerns. Mr. Exham stated the site is open right now for use and there are 1500 children who utilize that site on a daily basis. In discussing this with our Parks Department, it was felt that by the way the buildings are sited there are good supervisory viewpoints from the aquatic center. Currently there is not regular staff on the site so there is access any time to an desert area that is uncontrolled. With the addition of the amenities, they will have people utilizing this facility in a proactive manner, which provides observation for other activities as well as regular staff when the aquatic center is open.

COMMISSIONER NELSEN stated there have been comments made about the unsatisfactory traffic conditions on Thompson Peak at McDowell Mountain Road and 102nd Street and the traffic coming out of the school. He further stated he always has questions about the traffic impact analysis because there was a traffic analysis study that created the issues they have today. He inquired how do they know the current traffic analysis is going to address the issues they may have in the future.

MR. LITTLE reported this particular proposal has gone through rigorous scrutiny both from the consultant who has done a very comprehensive and thorough job on their analysis as well as the staff analysis of their analysis so there have been two different layers to look at this. He further reported they have much better data today than they have had in the past.

COMMISSIONER NELSEN stated the figure of 10,000 trips per day was added in for future growth. He further stated the tape they were presented indicated most of the growth was to the north. He inquired did that take into account the four quadrants around the 101 and Scottsdale Road which he considers to be intense development that is planned to occur in the future.

CHUCK WRIGHT, Kimmley Horne & Associates, 7600 N. 15th, stated they have done a lot of work on this site. He further stated this area is undergoing a great deal of change in terms of the land use. He reported they have looked at the future projections and have considered all of the factors. They believe their projections are conservative and are in line with what they expect in this area.

COMMISSIONER NELSEN stated his concern is that there are a lot of homes and a lot families in this area and this would be the only aquatic facility in the area and with the rate they are growing in the north there will be an increased demand on this facility. Mr. Little stated that is a very good point. He further stated the growth that is anticipated needs corresponding growth in the infrastructure to support it. They have planned projects that are funded and will be put in place, which again builds their confidence that the infrastructure will be put in place to support the growth in this area.

COMMISSIONER STEINBERG inquired if the combination of an aquatics center and skateboard park has been done elsewhere in the City? Mr. Exham replied at El Dorado Park. Commissioner Steinberg inquired when you compare that to Cactus that does not have a skateboard park is there a difference in crime incidents at the two locations. Mr. Exham replied there are probably a few more incidences at El Dorado and the Police probably have a specific report. Most of the things they deal with at those types of facilities have to do with things like dogs off leash, bikes riding in the skateboard area as well as there are some vandalism things that happen. He remarked the skateboard facility turned out to be a very positive facility at El Dorado.

COMMISSIONER STEINBERG inquired if they could restrict the hours at the skateboard facility and restrict the access by using a gating mechanism. Mr. Exham stated there is a possibility of fencing the skateboard facility so they can lock the site. He further stated they did not gate the El Dorado facility. The major reason they did not gate that facility was because of liability. They also made the decision not to supervise it either. The benefit of where the proposed facility is located is that there is a direct view from the aquatic facility administrative offices. He noted parks usually close at 9:30 p.m.

COMMISSIONER STEINBERG stated in December 2001 community input indicated that the aquatic center was the top amenity and then in April 2002 it became a contentious issue with 72 percent of the McDowell Mountain Ranch residents opposed. He inquired what happened in between. Mr. Exham stated he does not know where he got the number of 72 percent of the residents opposing it. The McDowell Mountain Ranch Association send out about 3500 ballots and out of that number only 500 were returned so it should reflect that 15 percent were opposed not 72 percent.

VICE CHAIRMAN LOTZAR inquired how much of the bond money would actually go to the park facility verses the road improvements. He stated he is concerned about making sure that park dollars are used on parks verses transportation needs. Mr. Exham stated they have not gotten into all of the detailed cost because it is just a master plan rather than a detailed design. Vice Chairman Lotzar inquired out of the \$10.4 million how much will be going to the road improvements. Mr. Exham replied there was a general estimate for that general loop road of \$100,000.

COMMISSIONER HEITEL inquired if the future projections were done by adding the additional 10,000 trips per day did that presume the intersection improvements were completed indicating that those additional trips would work. Mr. Wright replied in the

affirmative. Commissioner Heitel inquired if the trips per day calculations for Option B were derived from a comparative study of Cactus Park or one of the other parks. He stated logic says that aquatic centers are utilized very extensively a few months out of the year that they would not have a consistent number of trips per day through out a 12-month period. There might be two or three months of high intensity use with tapering off to uses that are more school related. He further stated if you use the trips calculated from sites that were mostly drive in sites logic would assume that there should be some reduction based on a community that has trails and connectivity to it that kids and participants at the pool and skateboard park would not be driving. The intent with the trails system is to connect it to the community. He inquired if that was taken into account. Mr. Wright commented those are very good observations. He further commented they have always tried to be very conservative in their assumptions when they were predicting the activity levels for this facility. He further commented they recognize that this facility has many more opportunities for pedestrian oriented trips. He discussed the projected activity levels at this site. He concluded they are very comfortable with the very conservative analysis.

COMMISSIONER HEITEL inquired about the proposed left in that median cut at Thompson Peak there seems to be an open option that might turn into a left out scenario. He further stated that concerns him from a traffic standpoint. He inquired if that is an option that could end up being created with that loop road? What are the difficulties of not achieving that loop road connection and that situation evolving into a left out traffic nightmare? Mr. Weddle stated there are two options that are being studied for the left southbound access. One would be a left turn lane that would be through a median cut and the other is through loop road. There are also two options being studies for the southbound ingress into the site from Thompson Peak Parkway one would be a median break as currently shown and the other is a two-way loop access. At this point they are investigation both options from a service standpoint safety and cost standpoint. They are working with staff to find the most efficient solution.

COMMISSIONER OSTERMAN requested information on who will be the projected users of the aquatic facility. He also requested information on the projected high use times and where would these users would be coming from. He inquired how many parking spaces would be provided. Mr. Exham replied the high time use would be June and July. He stated during the Summer months swim lessons and Summer recreation swimming. They also have lap swimming going on and competitive team practices would occur. There would be high school swimming practice and senior citizens use it for exercise programs. The pool would also be used for medical therapy use. He noted this facility will be more line with the facility at El Dorado. He further noted a lot of the people who are using the Cactus pool will use this pool. Mr. Weddle stated the parking that is being proposed for Plan B shows a total of 178 parking spaces being added to the site. The ordinance requires 127 spaces.

COMMISSIONER NELSEN inquired if there would be a significant change in the peak months if the school year went from 9 months to 12 months. Mr. Exham stated they felt the peak months will remain in the summer months. Commissioner Nelssen stated his concerns are regarding the traffic issues and whether there would be conflicts if the school was in

session year round. He further stated he wants to make sure they cover all of the bases as much as they can. He noted there is no question that this facility is needed.

VICE CHAIRMAN LOTZAR inquired how much of a savings will occur by reducing the skateboard park from 30,000 feet to 18,000 feet. Mr. Exham stated at this point they have not done all of the design work but he would guess a couple hundred thousand dollars.

VICE CHAIRMAN LOTZAR stated he felt supervision would improve the Wedge. Mr. Exham stated that for liability reasons they chose not to have the Wedge supervised. He further stated the kids do a good job of self-regulating.

CHAIRMAN GULINO inquired if there were lights proposed for this facility. Mr. Weddle stated there is lighting being proposed on the pool deck and at the skate park and is mainly security lighting.

CHAIRMAN GULINO inquired if this site came from the McDowell Mountain master plan. Mr. Exham replied in the affirmative.

CHAIRMAN GULINO inquired how far would people drive to use this facility. Mr. Exham replied it would serve the general area.

(CHAIRMAN GULINO OPENED PUBLIC TESTIMONY stating he has 19 cards from citizens not wishing to speak 16 opposed and 3 in favor.)

DAVID MATUSOW, 10447 E. Texas Sage, spoke in opposition to this request. He provided a power point presentation that outlined why the proposed Aquatic Park at McDowell Mountain Ranch is an example of poor planning by the City of Scottsdale, has been sited here without regard to its impact on the surrounding neighborhoods or location within the city, and raises serious questions about the issues of "fairness" and balanced planning for all the residents of the City. Mr. Matusow outlined his concerns regarding traffic. He commented he felt McDowell Mountain Ranch has a vastly disproportionate number of facilities and services within or at its borders.

Mr. Matusow stated the City has done no feasibility study or cost estimates on the development of the loop road. He further stated in the event the Planning Commission recommends approval for this plan, this loop road must be stipulated as part of the plan in no uncertain terms. He discussed the environmental impacts to the site.

SANDY ESMAY, 10618 E. Betomy Drive, spoke in favor of this request. She stated she is a resident of McDowell Mountain Ranch and an employee of Sunbelt holdings the original master plan developer for McDowell Mountain Ranch. She further stated that she served as the Director of Marketing for the community center in 1995 until the information center closed in 2000. She reported that from the beginning they touted a lot of wonderful amenities including the aquatic center that was planned for this development. Information regarding

these amenities was passed out at the center. She concluded she would urge the Commission support Option B.

CHRISTINE SHCILD, 10849 E. Jasmine Drive, spoke in favor of this request. She presented information regarding why alternative site L was not appropriate. She stated the voters have approved the bond for this facility. She further stated that staff has modified the original plan to address the concerns and desires of the community. She concluded she supports Option B.

DAN SOMMER, 10346 E. Morning Star Drive, spoke in opposition to this request. He provided clarification on the McDowell Mountain Ranch Survey that was sent out to all of the households. He remarked 72 percent of the respondents were opposed to the aquatic center. He expressed his concerns regarding Library drive. He stated he is opposed to the location and size of the park and aquatic center. He further stated he is concerned about the detrimental impact this facility would have on their lives. He stated the loop proposal is critical. He outlined his safety and traffic concerns. He further stated at the very least he would urge the Commission to make the proposed park a self-contained unit that protects the integrity of the community.

DONN LOPER, 10761 E. Laurel Lane, spoke in favor of this request. He stated he was born in Scottsdale and has lived here for 47 years and has a vested interest in the character of the community. He further stated he felt the traffic and safety issues have been addressed. He remarked this proposal has received unanimous support from the Parks and Recreation Commission. He provided information on the benefits of the park and the recreation center. He concluded by not building the park at this location would disenfranchise every citizen who voted yes in the 2000 bond election.

KEN LEWIS, 11026 Verbenia Lane, stated he is an engineer and his best client is the City of Scottsdale so he is very familiar with the planning process. He reviewed the facts for this case. It is a fact that a pool is needed in this area. The facility has been planned for 10 years. The traffic issues have been addressed objectively. The safety issues have been addressed. It would be very expensive to stop the planning process and start all over.

PAULA STURGEON, 10883 E. Le Marche Drive, spoke in favor of this request. She stated it is the role of the Planning Commission to approve the highest and best use for the land. She further stated there are people who will use this facility. She remarked she speaks tonight as a handicapped woman who will use the facility at McDowell Mountain Ranch. She further remarked this pool would provide an electronic lift to assist handicapped and elderly people in and out of the pool. She noted the facility would provide a variety of swim lessons and competitive swimming. She concluded she remembers a time when Scottsdale's highest and best use of land was for homes, schools, parks and churches. She urged the Commission to vote in favor.

KIM ABBS, 9719 E. Pine Valley Road, spoke in favor of this request. She stated she felt this would be a wonderful addition to their City and has been appropriately planned for. She

further stated it was approved for in the 2000 bond election. She remarked this facility is sorely needed in this area. She further remarked the school grounds are locked during the day and are patrolled. She commented on the convenience of the site to the 101 freeway and the surrounding area. She further commented the loop road would minimize the traffic congestion.

ARIANE CLEVERLY, 9857 E. Evans Drive, spoke in support of this request. She reported her family has been patiently awaiting the building of this park for 10 years. She further reported she felt this park belongs in the City of Scottsdale but happens to be located in McDowell Mountain ranch so she would suggest changing the name. She stated the school is fenced in and she felt safety would not be an issue. She urged the Commission to vote in favor of this request.

ARTHUR MONES, 15050 N. Thompson Peak Parkway, representing Horizon Master Association and Villages North HOA, spoke in opposition to this request. He stated this is about poor land use. He further stated the traffic in his neighborhood to the south and west was never addressed in the report. He remarked he felt this was a poor site from a traffic standpoint. He discussed his concerns about the disclosure issue. He noted information about the aquatic park was not included on the McDowell Mountain Ranch website. He further noted he felt this facility should be located at another site.

FRANK HANSEN, 10857 Le Marche, spoke in opposition to this request. He expressed his concerns regarding the safety factors for the schools. He further stated that he is not opposed to the aquatic center but he has concerns regarding the skateboard facility. He commented skateboard facilities have drug and gang problems.

NONO OLIVER, 6908 E. Portland, spoke in favor of this request. She stated she is handicapped and depends on the water to make her feel well. She further stated the staff at the pool facilities is very helpful and would helped in any way possible. She urged the Commission to vote in favor of the aquatic center.

GARY NEISS representing McDowell Mountain Ranch Aquatic Community Center Task Force, spoke in favor of this request. He stated there was always an intent to build an aquatic center at McDowell Mountain Ranch. He further stated this is the last piece of the puzzle. This facility would serve the needs not only of the residents of McDowell Mountain Ranch but also the Scottsdale Horizon area. This was envisioned back in 1991 and is part of the parks master plan. He noted the residents have been informed about this facility. He remarked this facility is needed in this area. He further remarked there is no question that the outstanding issues have been addressed. He outlined the reasons to support this request.

MAGGIE GRAVES, 10570 E. Morning Star Drive, spoke in opposition to this request. She presented the Commission with a handout that provided exhibits regarding the disclosure aspect of this issue. She reported the exhibits she has provided show clearly that McDowell Mountain Ranch homeowners were not made aware of the City's plans to develop an aquatic

center, skateboard park, and multi-use recreational facility at the Desert Canyon school site when they bought there.

RONNIE KEIFER, 9557 E. San Salvador Drive, representing Scottsdale Aquatic Club, spoke in favor of this request. He stated the aquatic complex would suit the needs of many. Included in complex is a 50-meter by 25-yard competition pool, a 25-yard by 25-yard diving/swimming pool and a 2-yard by 25-yard play/therapy/swimming pool. A complex of this nature would fit the needs of learn to swim, senior programs, swimming programs, syncro programs, diving programs and enough deep water to offer scuba lessons and enough water for boating activity classes. Given the complex and its entirety, a complex as this could host major aquatic competitions, which can help the tourism industry. He reported the maintenance of this facility would be no more than any other configuration.

LOWELL HICKS, 11007 E. Winchcomb Drive, spoke in opposition to this request. He expressed his concerns regarding the additional traffic this facility would generate. He also expressed his concerns regarding the fact that there is not a system to reroute vehicles if there is a stalled vehicle. He remarked he felt the traffic report did not directly address traffic safety features. The report does not address the traffic accident history. He requested the Planning Commission to please address the traffic safety impact with this proposal before passing the resolution.

CHARLES BLACK, 16593 N. 105th Street, stated he opposes the current site. He stated his concerns are regarding the safety of the children and the increased traffic volumes. He expressed his concerns regarding the unsupervised teenagers that would be dropped off to use the park. He presented the Commission with a copy of a newspaper article that discussed crime prevention. He concluded he is opposed to the site and would request they consider other options.

BOB ALICO, 11043 E. Winchcomb Drive, representing MMR Park Committee. He stated for the record that he presented to the Commission a letter dated 11/13/2002 from him concerning the safety of Desert Canyon Elementary School, Desert Canyon Middle School and the Arabian Library. He further stated he has also presented a paper with signatures titled liability and pages 1 through 10 of a packet titled State of Arizona Department of Real Estate Subdivision Public Report. He provided an overview of his concerns regarding this site. He remarked he felt the decision made in 1995 was an error in judgment. He further remarked he would request alternative site L is considered.

ROBERT GEWALD, 16558 N. 104th Way, spoke in opposition to this request. He stated he and his family are worried this project will increase the possibility of crime in the McDowell Mountain Ranch Community. He further stated he supports this project but not in his neighborhood. He commented he is concerned regarding the unsupervised children and teenagers being dropped off at this facility.

RUTH MONES, 15050 N. Thompson Peak Parkway, expressed her concerns regarding the additional traffic. She stated this is an inappropriate land use and they should find an alternative site like Site L and then move forward.

GREG LINN, 10944 E. Beck Lane, representing MMR Park Committee, spoke in opposition to this request. He presented the Commission with a copy of his presentation. He stated as a resident of McDowell Mount Ranch and a parent of two children that attend Desert Canyon Elementary School, He wanted to express his serious concerns related to the proposed location of the Aquatic and Skate Board Center. The inherent trouble with the proposed location is that it will require that a disproportionate slice of both the initial capital budget and going forward operating budget to be directed toward safety and traffic concerns. Several of the other proposed locations will not require the same level safety and traffic concerns. He concluded he felt the Planning Commission should table this discussion until all of the facts and circumstances are known.

PHYLLIS MATUSOW, 10447 E. Texas Sage, spoke in opposition to this request. She stated this facility would not fit in with the ESLO guidelines. She stated the proposed facility does not fit with the desert landscaping. She inquired why was McDowell Mountain Ranch skipped over in the character area study. She expressed her concern regarding the difficulty of collecting information regarding this facility.

JOHN BLANGIARDO, 10823 E. Autumn Sage Drive, spoke in opposition to this request. He expressed his concerns regarding safety in the schools. He stated he is not opposed to the aquatic facility but he is concerned about the location. He further stated he felt they were cramming too much activity into a small area. He noted he felt placing this facility in the vicinity of a middle school was not appropriate. It would be more appropriate next to a high school. He outlined his concerns regarding traffic.

LEWIS RAPPAPORT, 10819 E. Butherus Drive, spoke in opposition to this request. He stated that he felt very strongly that this is not the right location for this facility. He further stated he felt it was an unsafe situation. He remarked he felt they should consider alternate sites.

(CHAIRMAN GULINO CLOSED PUBLIC TESTIMONY)

MR. EXHAM stated there were comments made regarding vision and whether they looked down the future at what might happen. He further stated that he would like to make it clear that the developer was a participant in the development and the location of this site. When discussions first got underway the School District, the City of Scottsdale, and the developer all worked together to identify the types of amenities that could work well together to serve the projected population. Not only did the developer help identify the site they were so committed they donated 71 acres in that area. They all worked together to make that vision happen. This is a well planned for project and all of the issues regarding noise and traffic have been well thought out.

Mr. Exham stated one speaker mentioned they would have to purchase more property to accommodate the loop road. He further stated they have been working with the BOR and they will not have to purchase more property to accommodate the loop road.

JOHN COCA, Scottsdale Police Department, presented information on safety and security issues as they relate to this facility. He stated that no matter what kind of development that is built whether it is a park or a strip mall anywhere you bring in human beings it will bring in police calls for service. However, their records indicated that incidence of crime in parks is extremely low. He noted there is a police substation located at Pima and Thompson Peak Parkway, which is about four or five miles away from the proposed park site. He further noted the fact that the proposed park site is next to the school, barring vacations or training days, there is an officer at the school for the DARE program and the park would be patrolled during the summer months.

COMMISSIONER NELSEN stated in the tape that was presented to the Commission Officer Coca had stated there were 3500 citizen or police initiated phone calls. He requested clarification on that statement. Officer Coca replied they took a mile radius for each park location to see how many calls for service that are police initiated or citizen initiated. The number is closer to 22,000 near El Dorado park and 3,800 near McDowell Mountain Park.

COMMISSIONER NELSEN requested Officer Coca address the issue of gang presence in north Scottsdale. Officer Coca stated the incidents of gang members committing crimes in City parks are few and far between.

COMMISSIONER STEINBERG inquired if the Officer had any concerns about the different components proposed mainly the skate park, the school and the aquatic center. Officer Coca stated the mixture from their perspective has to do with crime prevention through environmental design. They try and work with them so that crime is prevented through the design of the park.

MR. LITTLE stated the three issues brought up during the citizen comments had to do with safety, traffic volumes and the loop road. He further stated safety is the most important consideration when looking at traffic circulation in and around a park facility. He discussed the improvements that are being proposed. He also discussed the traffic delays and how they plan to reduce the delays. He reported on the improvements that will be made because of the

citizen input. He further reported they have taken a conservative approach to the traffic report.

COMMISSIONER NELSEN stated it was noted in public testimony that the neighbors to the south and west of this site were excluded from the traffic study. Mr. Little replied those neighborhood were not excluded from the study in actuality they know what the impact are because they have been working with the Horizon neighborhood for a long time on traffic impacts not only for this facility but by other development.

COMMISSIONER NELSEN stated he is concerned about what would happen if there is an emergency blockage of the traffic either on McDowell Mountain Ranch Road or Thompson Peak Parkway. He inquired is there any way to go around that corner or would they just be grid locked until the lanes are cleared. Mr. Little stated that is a good question. He further stated there are natural features that limit the access to certain places in our community. In this case, there is a significant man-made feature the canal and on the other side are the mountains so there are challenges. He reported there is a study being done for emergency planning purposes for the entire community that will identify routes that people can go out of if there are events. They need to have in place evacuation routes and access routes for emergency vehicles so they will make sure there is a plan for this area. Commissioner Nelsen stated his concern for this site goes beyond just a delay in arriving at wherever you are going to. He inquired what would happen if a natural gas truck trips over. They have two schools and a park site and it does not appear they have any way to get them out of there. He stated he wanted it in the record that is something they need to deal with.

VICE CHAIRMAN LOTZAR inquired if the future roads will be adequate for buses to navigate through. Mr. Little replied in the affirmative.

VICE CHAIRMAN LOTZAR inquired if there was any other form of assurance they could give that would assure the residents the loop road will be a component of the approval of the project other than including it as a stipulation to their approval if they were to vote in that manner. Mr. Little stated that it is stipulated and it does provide significant impetus to that. It would not be eliminated unless there was a compelling reason to do that. If there were no loop road, the site does not work. It is their preference to have it in.

VICE CHAIRMAN LOTZAR stated it is his strong preference that the bonds that were approved for park uses are used for park uses and not transportation uses. He inquired if there were other funds available to the Transportation Department that are available for the construction of the loop road. Mr. Little stated the funds for all of the necessary road improvements are included as part of the overall project budget.

COMMISSIONER OSTERMAN requested a quick overview of Location L. Mr. Little stated that location L is near Pima and Bell Road. From a traffic stand point it may have potential but no studies have been done. Commissioner Osterman inquired if this property was City owned. Mr. Exham provided information on the history of this site and the

discussion that have taken place. He further stated it could be a viable site but it was originally looked at as a neighborhood park. He further noted they do own this site.

COMMISSIONER HEITEL inquired if it would be fair to say if the loop road is constructed that the left out issue on Thompson Peak Parkway would not be constructed. Mr. Little stated a left turn out of the site onto Thompson Peak Parkway would not be supported by the traffic engineering.

COMMISSIONER STEINBERG inquired if all of the roadway improvements would be constructed before the aquatic center or concurrent with the aquatic center. Mr. Little stated he cannot tell them exactly how it would be staged. It is a staff's priority that they are not retrofitting improvements into sites. Their plan is to do it concurrent with the development of the site.

CHAIRMAN GULINO inquired if they have the commitment to do the loop road with access to Thompson Peak Parkway and to McDowell Mountain Ranch Road. Mr. Little replied there is full commitment of all those associated with this project.

CHAIRMAN GULINO requested further information on the level of service calculations in the immediate vicinity of the project. Mr. Weddle provided an overview of the level of service calculations for this project.

CHAIRMAN GULINO inquired relative to the big picture and what is happening in the next two to five years with the State Land, the Stack Forties project and other projects. What tools are they developing to ensure that as we move forward we are not creating problems for ourselves? Mr. Little stated they are using the MAG plans and they have in place the development of a master street plan. This will give them more details so they do not exceed their infrastructure.

COMMISSIONER STEINBERG stated he would like to commend the City staff for being responsive to the citizens needs and addressing their concerns by moving things around so that it is a more palatable development. He further stated he would also like to commend the architects for being very sensitive in siting all of the improvements in a very unobtrusive way. He remarked he felt the project would be a great asset to that part of the community. He further remarked he has heard a lot of issues tonight and he came here thinking the skate board park was very incongruous use considering all of the opposition and the safety concerns. He stated he also came away thinking perhaps the kids doing the petty vandalism the 11 to 15 year olds that are unsupervised that perhaps they need a place to congregate. Places where they can spend time and expend energy in a meaningful manner under the supervision of adults. He further commented he felt these components would work well together. He noted there are some concerns regarding traffic but the city staff has done a wonderful job proposing remedies to mitigate traffic problems as they exist today so the level of service in the future will improve as a result of the recommendations they have read and heard about tonight.

He commented there are legitimate concerns and it will take policing and community input throughout the longevity of this development to make sure petty occurrence doesn't occur often and it should be left up to the citizens and the police.

He stated he heard comments that it should be a self-contained unit with gates and walls but he felt that was in opposition to what they are trying to achieve that is harmonious blending with the desert asset.

He remarked the city voted in 2000 and the citizens' spoke. He concluded he felt it was time to carry out their wishes and he is in support of Option B.

COMMISSIONER NELSEN stated there was a comment made by Ms. Mones about this being a done deal and he believes she is correct. It was a done deal. With the bond election and previous City planning it was just the details had not been worked out. He further stated there will be more finessing of the details as this moves forward to the City Council. He remarked there have been suggestions regarding using other sites. He further remarked he spent almost six years on the Parks and Recreation Commission and he remembers the proposal for the Wedge was made by a couple of kids and by the time it was built they were grown men. He stated he does not want to see that happen because they don't have the time based on the pace of growth in the City.

He remarked there were comments made about the desert lifestyle at McDowell Mountain Ranch. He further remarked just to provide a little perspective, he remembers personally railing against McDowell Mountain Ranch because he felt it would destroy his quality of life and the ultimate destruction of the desert that left a scar on that side of the mountain forever so there are different perspectives to development.

He commented he felt there are a couple of design issues that need to be resolved. He further commented they should look very closely at the materials that were used at Pinnacle Peak Park which was another place that was highly contentious both the facility and the trail and through years of compromise and discussion he felt most people are satisfied with that. He noted the dog park at Chaparral Park had a high contentious debate but it is healthy. When it is finally resolved it will be an amenity that everyone can enjoy.

He stated the bigger issue has to do with lack of disclosure and the onus falls squarely on the shoulders of the real estate community. There are certain things they are required to tell you about and they don't.

He stated it is time to move this forward. He commended the Parks staff hard work on this. He reported that he felt confident in supporting Plan B with the loop. He further stated when the dust settles he felt they would have a facility that everybody is proud to have.

VICE CHAIRMAN LOTZAR stated he supports Plan B. He further stated that he felt the presentations made tonight by the staff and the community was the best he has ever seen and was well thought out. He remarked he realizes that well-meaning people can look at the same

set of circumstances and come to different conclusions. He further remarked to all of the people who are against the park, he lives around Jackrabbit and Scottsdale Road and he would love to see the park in his area. He commented his role here this evening is to try and make the best decision for the City at large. He further commented this is the right answer. He noted he felt staff should be commended on all side for the solutions they have come to especially on the traffic issues. He further noted he felt the loop road is necessary. The idea of extending the turn lanes on McDowell Mountain Ranch will be a great value and the signalization at 102nd Street and McDowell Mountain Ranch is a great asset. The skate park is a wonderful asset and hopes the community will enjoy it.

He stated that like his other colleagues he is very concerned about disenfranchising the voters. He further stated he does not know how much clearer they can make it in the voter pamphlet what you are going to do but that is well beyond anyone's reasonable expectation that this is the intended use. Again, reasonable people can differ.

COMMISSIONER HEITEL stated he would be supporting this application for Plan B. He further stated that without question, the public process with its differing strong views and competing ideas has been valuable and he believes the current site plan has been improved because of this process. He stated they need to chose the plan that is best for the community. He noted Scottsdale and most cities are constantly being admonished and developers are continually be vilified for not providing sufficient land for public uses. In this case the developer did what he did working with the city and city has done what it was suppose to have done. The bond funds were brought before the voters and the planning process has gone forward. It would be unfortunate to take these sites that take so long to develop ask the City to integrate them into their greater master plans and ask them to create master plans with other sites dedicated by the developer and just pull them at the last minute. He noted that would be bad planning.

He stated he has a heard citizens comment that master plans can be changed and they can be changed. He further stated he has never heard any recommendation of what the master plan would be changed to except open space and to him that is not a compelling suggestion especially for a community adjacent to one of the largest open Sonoran Desert park preserves in this county.

He remarked he felt this facility would be a very well used, safe and enjoyable facility. It would be bad public policy to unilaterally toss down the tube and go looking for another site. He further remarked he supports Plan B.

COMMISSIONER OSTERMAN stated he would like to compliment staff on the comprehensive presentation with great supporting information. He further stated this project has been through various planning stages since 1991 with the specific site identified in 1994 and initiated in 1995. It has been planned and shaped in response to a lot of citizen input over the years. There is clearly a solid and growing demand for this facility. He further stated that he is convinced this will be a wonderful well-planned properly located park and aquatics center.

He remarked the most convincing arguments made by citizens against this site address safety concerns and for that reason he would advocate a great deal of care is taken in planning the traffic and pedestrian safety as this project continues to develop.

He stated this is clearly the most desirable location for the park and aquatic center.

He noted the citizens of Scottsdale have spoke in a loud and clear voice when they approved the bond issue in 2000. He further noted he supports this development and felt they would be remiss in their duties as commissioners' if they made any other type of approval to the City Council other than approval of Plan B.

CHAIRMAN GULINO stated he felt this was a wonderful plan and was a big improvement over what they had before. He further stated he can certainly understand some of the oppositions concerns but did not hear anything tonight that would compel him to feel that this was not an appropriate use for this location. He commented regarding the issue of vandalism and the crime issues he believed the attractive nuisance for that type of activity already exists. There is the middle school, the elementary school and lit ball fields so his feeling is the additional activity of this center will help to discourage any kinds of problems that way.

He remarked regarding the traffic study that has been provided convinces him there is opportunities to enhance the improvements with the signal and the additional turn lanes that traffic will not be an issue for this facility.

He stated this project has been through public hearings on two separate occasions in 1994. The first use permit was approved by the City Council and the site plan was approved by the DR Board so this is not a new situation. He remarked the proposed revisions to the site plan are an improvement over the site plan that was approved in 1994.

He reported he supports the case. He further reported that he would like to recommend one change to the stipulations on Attachment 6 regarding what they ask the DR Board to pay attention to and ask them to pay attention to the site circulation ingress and egress for both pedestrian and vehicular.

COMMISSIONER HEITEL MOVED TO FORWARD CASE 20-UP-1994#2 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL OF OPTION B WITH INCLUDED IN THE STIPULATIONS THAT THE DR BOARD PAY ATTENTION TO SITE CIRCULATION AND INDICATING IT DOES MEET THE USE PERMIT CRITERIA. SECOND BY COMMISSIONER STEINBERG.

THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0).

WRITTEN COMMUNICATION

There was no written communication.

ADJOURNMENT

With no further business to discuss, the regular meeting of the Scottsdale Planning Commission was adjourned at 9:50 p.m.

Respectfully Submitted,

"For the Record " Court Reporters